

### REMARKS

Claims 1-23 are pending in the present application. Claims 1-3, 9, 10, 12-15, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Kawasaki, U.S. Patent Application Publication No. 2001/0030801. Claims 4-8, 11, and 21-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kawasaki in view of Tandler et al., U.S. Patent No. 6,088,155. Claims 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kawasaki in view of Sato, U.S. Patent No. 5,519,531.

The claims have been amended. Reconsideration of the application is respectfully requested.

#### Rejections under 35 U.S.C. §102(b), 103(a)

Claims 1-3, 9, 10, 12-15, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Kawasaki, U.S. Patent Application Publication No. 2001/0030801. Claims 4-8, 11, and 21-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kawasaki in view of Tandler et al., U.S. Patent No. 6,088,155. Claims 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kawasaki in view of Sato, U.S. Patent No. 5,519,531.

Kawasaki describes a lens barrel having a first optical system G1 having a prism P1 that directs light to a second optical system G2 having deflecting mirrors M1, M2, which in turn deflect the light to turnable deflecting mirror M3. See Abstract and Fig. 1. Deflecting mirror M1 may be constructed as a half mirror. See paragraph 0085.

Independent claim 1 of the present application has now been amended so as to recite "the beam splitting device being disposed at a first distance from the optical axis" and "an axis of rotation of the beam deflecting unit is disposed at a second distance from the optical axis, the second distance being greater than the first distance." Support for the amendment may be found, for example, at Fig. 1 and paragraph 0033 of the present application. It is respectfully submitted that Kawasaki does not teach an axis of rotation of the beam deflecting unit being disposed *further from*

the optical axis than the beam splitting device is, as now recited in claim 1. In contrast, the turning axis P of turnable deflecting mirror M3 of Kawasaki is disposed *closer to* an extension of the light path extending from objective OB to prism P1, than deflecting mirror M1 is, which mirror is described as potentially being constructed as a half mirror. See Kawasaki, Fig. 1 and paragraph 0085. Because Kawasaki is missing at least the above-recited feature of claim 1, it cannot anticipate claim 1.

Nor do either Tandler or Sato teach or suggest the above-recited feature of claim 1. Therefore, any combination of Kawasaki with Tandler or Sato, to the extent proper, could render any of the dependent claims obvious.

Withdrawal of the rejection of claims 1-3, 9, 10, 12-15, 19 and 20 under 35 U.S.C. §102(b) based on Kawasaki, of claims 4-8, 11, and 21-23 under 35 U.S.C. §103(a) based on Kawasaki in view of Tandler, and of claims 16-18 under 35 U.S.C. §103(a) based on Kawasaki in view of Sato, is respectfully requested.

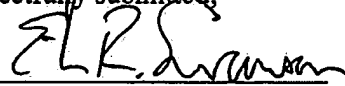
**REMARKS**

In view of the above amendment, applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

By



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